

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GUILLERMO NUNO,

Plaintiff,

v.

D. ESLICK, et al.

Defendants.

No. 1:21-cv-00769-NODJ-SAB (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR SUBPOENAS, WITHOUT PREJUDICE
(ECF No. 79)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff's motion for issuance of subpoenas, filed January 10, 2024. (ECF No. 79.) Plaintiff's motion to subpoenas witnesses is premature.

If plaintiff is attempting to subpoena the testimony of such witnesses for trial, his motion is premature because no trial or other court proceeding has been scheduled. Indeed, the request is premature before the resolution of discovery and pretrial motions. If this action proceeds to trial, the Court will advise Plaintiff of the necessary requirements for issuance of a subpoena for the attendance of incarcerated and unincarcerated witnesses. Accordingly, Plaintiff's motion for issuance of subpoenas is denied, without prejudice.

IT IS SO ORDERED.

Dated: January 11, 2024


UNITED STATES MAGISTRATE JUDGE